

CLAIMS

What is claimed is:

1. In an arrangement whereby a company is obligated to deliver volumes of a commodity to a first business entity pursuant to a forward contract, and whereby the first business entity offers debt securities to investors, a method comprising:

a purchaser entering into a purchase agreement with the first business entity, wherein the purchase agreement obligates the purchaser to purchase the volumes of the commodity from the first business entity; and

the purchaser entering into a swap agreement with a party, wherein the swap agreement obligates the purchaser to pay the party an amount equal to the price at which the purchaser sells the volumes of the commodity in the open market and obligates the party to pay the purchaser a fixed price.

2. The method of claim 1, wherein the first business entity is a special purpose vehicle owned by the company.

3. The method of claim 1, wherein the fixed price that the party is obligated to pay the purchaser pursuant to the swap agreement equals the price at which the purchaser is obligated to pay the first business entity pursuant to the purchase agreement.

4. The method of claim 1, wherein the party with whom the purchaser enters the swap agreement is the company.

5. The method of claim 1, wherein the party with whom the purchaser enters the swap agreement is a third party unrelated to the company.

6. The method of claim 1, wherein the arrangement further obligates a second business entity to supply volumes of the commodity to the first business entity pursuant to a contingent supply agreement if the company fails to deliver the necessary volumes of the commodity required by the forward contract.

7. The method of claim 6, wherein the second business entity is a parent of the company.

8. The method of claim 7, wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the company defaults on the swap agreement.

9. The method of claim 8, wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the default of the company under the swap agreement exceeds a threshold amount specified in the contingent supply agreement.

10. The method of claim 6, wherein the second business entity is unrelated to the company.

11. In an arrangement whereby a company is obligated to deliver volumes of a commodity to a first business entity pursuant to a forward contract, and whereby the first business entity offers debt securities to investors, and whereby a parent of the company is obligated to supply volumes of the commodity to the first business entity pursuant to a contingent supply agreement if the company fails to deliver the necessary volumes of the commodity required by the forward contract, a method comprising:

a purchaser entering into a purchase agreement with the first business entity, wherein the purchase agreement obligates the purchaser to purchase the volumes of the commodity from the first business entity; and

the purchaser entering into a swap agreement with the company, wherein the swap agreement obligates the purchaser to pay the company an amount equal to the price at which the purchaser sells the volumes of the commodity in the open market and obligates the company to pay the purchaser a fixed price,

wherein the purchase agreement permits the purchaser to terminate the purchase agreement when the company defaults on the swap agreement.

12. The method of claim 11, wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the default of the company under the swap agreement exceeds a threshold amount specified in the contingent supply agreement.

13. The method of claim 11, wherein the fixed price that the company is obligated to pay the purchaser pursuant to the swap agreement equals the price at which the purchaser is obligated to pay the first business entity pursuant to the purchase agreement.

14. The method of claim 11, wherein the first business entity is a special purpose vehicle owned by the company.

15. A method, comprising:
establishing a forward contract between a company and a first business entity, wherein the forward contract obligates the company to deliver volumes of a commodity to the first business entity;

the first business entity offering debt securities to investors;

establishing a purchase agreement between the first business entity and a purchaser, wherein the purchase agreement obligates the purchaser to purchase the volumes of the commodity from the first business entity; and

establishing a swap agreement between the purchaser and a party, wherein the swap agreement obligates the purchaser to pay the party an amount equal to the price at which the purchaser sells the volumes of the commodity in the open market and obligates the party to pay the purchaser a fixed price.

16. The method of claim 15, wherein the first business entity is a special purpose vehicle owned by the company.

17. The method of claim 15, wherein the fixed price that the party is obligated to pay the purchaser pursuant to the swap agreement equals the price at which the purchaser is obligated to pay the first business entity pursuant to the purchase agreement.

18. The method of claim 15, wherein the party with whom the purchaser enters the swap agreement is the company.

19. The method of claim 15, wherein the party with whom the purchaser enters the swap agreement is a third party unrelated to the company.

20. The method of claim 15, further comprising establishing a contingent supply agreement between the first business entity and a second business entity, wherein the contingent supply agreement obligates the second business entity to supply volumes of the commodity to the first business entity if the company fails to deliver the necessary volumes of the commodity required by the forward contract.

21. The method of claim 20, wherein the second business entity is a parent of the company.

22. The method of claim 21, wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the company defaults on the swap agreement.

23. The method of claim 22, wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the default of the company under the swap agreement exceeds a threshold amount specified in the contingent supply agreement.

24. The method of claim 20, wherein the second business entity is unrelated to the company.